

Reply filed with RCE  
U.S. Appln. No. 09/295,329

thereafter, the Examiner stated that she had reconsidered the comparative data with her supervisor and declined to allow the application. The Examiner then issued the Advisory Action dated January 9, 2003.

In the Advisory Action, the Examiner indicated that claims 16-26 are allowable but that claims 1-15 remain rejected. In the "continuation" page, the Examiner stated that the amendment was successful in making the claims commensurate in scope with the Declaration.

The Examiner also stated that Applicants evaluate comparative data by two distinct parameters: (1) residual film rate and (2) profile. The Examiner noted that the numbers presented in the inventive examples for residual film rate are 99.3% and 99.6% and that the numbers presented for the comparative examples are 94.6% and 95.2%. The Examiner stated that Applicants argue that such a difference is an extremely large difference in the art and is considered to be an unexpected result to one of ordinary skill in the art. However, the Examiner stated that Applicants have not provided any evidence that such a difference is indeed substantial.

In response, Applicants submit that one of ordinary skill in the art would consider the differences in the residual film rate achieved by the present invention to be unexpected. For example, U.S. Patent 4,719,167 (enclosed), shows that a difference of 2% ("fractional film thickness remaining") would be considered to be technically significant to one of ordinary skill in the art. See Table 1 of U.S. Patent

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4,719,167, where a residual film rate of 97% is regarded as an inventive sample and a residual film rate of 95% is regarded as a comparative example.

Applicants respectfully submit that Applicants' achieved differences of 5% would be considered to be unexpected by one skilled in the art.

The Examiner also stated that the angles presented for the inventive examples are 89 and 88 and the angles presented for the comparative examples are 85 and 86. The Examiner further stated that it unclear as to why the comparative examples are labeled as profile B, when the angles are clearly within the range of profile A.

Concerning the profile angles, Applicants state that the Declaration Under 37 C.F.R. §1.132 executed by Mr. Yasumasa Kawabe on August 30, 2002 (filed September 10, 2002) contained a typographical error. Submitted herewith is an unexecuted Declaration Under 37 C.F.R. §1.132. The unexecuted Declaration Under 37 C.F.R. §1.132 has been forwarded to the Applicants and will be forwarded to the USPTO when it is received from the Declarant.

The unexecuted Declaration is identical to the Declaration Under 37 C.F.R. §1.132 executed on August 30, 2002, except that the value for the "Angle between Substrate and Sidewall" for Comparative Example b' has been changed from "86" to the correct value "85". In view thereof, Applicants respectfully submit that the labeling of the comparative examples is clear.

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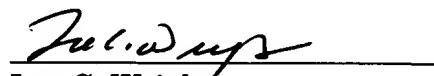
For the above reasons, and for the reasons of record, it is respectfully submitted that the subject matter of claims 1-15 is neither taught by nor made obvious from the disclosures of Suwa and it is requested that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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